



September 10, 2018

James B. Walker
Southwest Regional Director
Senior Vice President
The Archaeological Conservancy
1717 Girard Boulevard NE
Albuquerque, NM 87106-1718

Subject: 1 August 2018 Draft Cultural Resource Management Plan for the Amity Pueblo
Archaeological Preserve

Dear Mr. Walker:

The Society for American Archaeology (SAA) Amity Pueblo Task Force appreciates the opportunity to offer comments on The Archaeological Conservancy's (TAC) draft cultural resource management plan (CRMP) for the Amity Pueblo Archaeological Preserve (APAP).

Acting primarily through the Amity Pueblo Task Force, the SAA has participated in the effort to resolve adverse effects to Amity Pueblo and improve cultural heritage management in the wake of the tragic damage to the graves, human remains, and associated context. In general, and as noted at the 1 August meeting, the SAA Task Force exists primarily to ensure that the views of the consulting tribes receive due and meaningful consideration. This mission has gained some urgency in light of the apparent lapse in participation by Arizona State Game and Fish Division (AGFD) in the advancement of the executed memorandum of agreement (MOA) concerning the resolution of adverse effects to Amity Pueblo, to which SAA is a consulting party. Section III.B of that MOA states, "AGFD will work with the Archaeological Conservancy and the consulting tribes to develop a long-term protection and management plan for the 26-Bar Property, which will include provisions for routine monitoring as well as access to the land by the consulting tribes."

Most of our task force comments reflect concerns that the draft CRMP may have lost sight of intentions embedded in the MOA and the Section 106 process it concluded to afford the consulting tribes meaningful opportunities to participate in APAP management. The Advisory Council on Historic Preservation (ACHP) regulations (36 CFR Section 800.16 (f)) that provided the mandate and structure for the MOA, state:

"Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process."

In this sense, the CRMP should be revised to create opportunities for TAC, consulting tribes, and other stakeholders TAC may select, to seek agreement on management issues. The SAA regards the CRMP as the all-important and much-anticipated means for assuring that no further harm comes to either the APAP and the consulting tribes who value and rely upon the APAP. Prevailing professional ethics in cultural resource management oblige users, managers, and investigators to recognize the multiple values

embedded in heritage places, archaeological sites, and other cultural resources, and to craft policies and practices respectfully responsive to such values. At the APAP these values include cultural-spiritual, communal-historical, and educational-managerial. The SAA is of the opinion that these values greatly enhance the APAP and deserve concerted stewardship in and through the CRMP.

With this in mind, we encourage TAC to consider anew the values and preferences voiced by Kurt Dongoske on behalf of Zuni Tribe at the 1 August meeting and to give special weight to comments and feedback received from consulting tribes, including the 31 August letter from the Zuni Tribe. Our other general comment is to urge TAC to give full attention to spelling, punctuation, grammar, and other elements of style in the preparation of the final draft of the CRMP. Specific comments, numbered and corresponding to each section of the draft, follow.

In **Section I. Background and Purpose** please:

1. Include all pertinent unique site identifiers;
2. Include in the reference to the site's National Register of Historic Places eligibility (a) the specific eligibility criteria that apply and (b) whether the eligibility determination was a consensus determination or a determination by the Keeper of the National Register;
3. Specify in as much detail as possible which portions of the 71-acre APAP were adversely affected by the Natural Resources Conservation Service, U. S. Fish and Wildlife Service, and AGFD activities and undertakings;
4. Be consistent and inclusive in reference to the consulting tribes that have claimed cultural affiliation (rather than using unique reference to "ancestral Zuni");
5. Provide a summary of the rationale for the MOA and specify the MOA conditions relevant to the CRMP;
6. Modify or delete the statement that no other professional research has been conducted at Amity (untrue, as evidenced in Section VI) and clarify all known research, land management, and other modifications to APAP.

In **Special Circumstances** please:

1. Consider re-titling this section, "General Guidelines and Resource-Specific Conditions" or using another heading with greater descriptive specificity;
2. Per our 3rd bullet, above, note that various consulting tribes' views and preferences related to future APAP management have been expressed, even if not via formal written communications, and summarize those views in addition to the attention given to Zuni views;
3. Clarify, here or elsewhere, that while TAC guidelines must uphold the TAC mission, this particular preserve and the past and continuing relationships of the consulting tribes to the APAP and its constituent ancestral remains and resources, provide compelling rationales and directions for a CRMP that acknowledges, respects, and incorporates consulting tribes' and tribal community concerns, values, and preferences;
4. Consider replacing the flawed list of 1 August meeting participants with a brief rationale for the list, then moving the list to an appendix to the CRMP, preferably in conjunction with the meeting notes, which could likely be more useful than the participant list;
5. Provide a second appendix that identifies the members of the management committee, the charge or mandate for that committee, and a statement concerning the management committee meeting schedule (one decent option would be to meet at least annually for the first 3 years, then every 2-3 years thereafter, or as needed to address issues).

In **II. Site Security and Protection** please:

1. Clarify the number of gates currently present (is it 2 or 3?) and specify whether an additional gate is being proposed, with a brief rationale, as appropriate;
2. Consider specification of wildlife-friendly fencing;
3. Consider working toward an agreement that irrigation ditch owners must notify TAC of intentions, on specific dates, enter the preserve for any reason, not just when for seasonal heavy equipment entry; emergency entry should be reported to TAC within 5 days;
4. Clarify (a) when and how site stewards may be made available for tours, (b) reasonable limits to the number of participants in each tour and the number of tours per month/year, (c) appropriate information, information sources, or both, to be used in oral and written interpretation, (d) tour route, including off-limits areas, and (e) other strictures and provisions to protect the site from authorized visitation;
5. Consider including, perhaps as an appendix, an emergency response plan, including contact information for all parties to be notified in case of fire, flood, unauthorized site alteration, unanticipated discovery of human remains, etc. The emergency response plan should, pending further tribal consultations and findings therefrom, include provisions for notifications to tribes and processes for involvement in the coordinated response.

In **III. Site Access** please:

1. Consider restricting access to the APAP to persons and entities identified in this section and establishing a process that affords consulting tribes with opportunities to review such requests prior to these final approval or denial;
2. Affirm ditch association access rights and limits to those rights;
3. Clarify the meaning and intent of “anyone with cultural affiliations to the site”; note in this regard that, under NAGPRA, only federally-recognized American Indian tribes can be culturally affiliated with the past occupants of the APAP;
4. Replace the requirement on tribes to identify every visitor from their community and the time of their visit with a provision for identification of a responsible contact person who will accompany the visit and the date of the visit;
5. Replace provisions for TAC approval of requests for tribal visits with a simple advance notification to TAC (perhaps at least 3 days prior);
6. Consider including a prioritization for site access that recognizes ditch maintenance and tribal access ahead of tours and research;
7. Include a rationale for notification to adjacent landowners of tribal visits or delete this provision;
8. Specify processes whereby research proposals are to be submitted to the consulting tribes for review and comment, and whereby TAC will consider comments received from the consulting tribes;
9. Specify processes whereby draft research reports are to be submitted to the consulting tribes for review and comment, and whereby TAC will consider comments received from tribes, a provision made necessary by the prospect of inclusion in some research results of (a) intellectual property of the tribal communities or (b) other sensitive information that could require modification or redacted prior to publication.

In **IV. Public Education** please:

1. Provide a brief rationale as to the circumstances that would lead TAC to install structures, trails, and signs within the site boundaries;
2. Specify how any such installations will be temporary and non-ground disturbing.

In **V. Stabilization/Erosion Control/Ground Cover** please: Specify processes whereby any stabilization-erosion control-ground cover proposals are to be submitted to the consulting tribes for review and comment, and whereby TAC will consider comments received from tribes.

In **VI. Previous Research** please: Consider moving this important background information to an appendix, as it is not instrumentally linked to the provisions of the CRMP.

In **VII. Future Research** please:

1. Specify processes whereby research proposals are to be submitted to the consulting tribes for review and comment, and whereby TAC will consider comments received from tribes;
2. Specify processes whereby planned or unanticipated discoveries of human remains are reported to consulting tribes and whereby TAC will consider comments and guidance received from tribes; as a general rule, consulting tribes should be notified within 24 hours of any encounter with human remains;
3. Consider inclusion of additional guidance regarding the treatment of ancestral objects, furnishings, living spaces, and the reviewers given an opportunity to weigh in on that outcome and arrive at a mutually-agreeable conclusion. Furthermore, if curation is permitted, the consulting/affiliated tribes should be given first right of refusal and then, should the tribes elect to not take possession of the materials, their recommendation as to an appropriate facility should be sought and honored.

In **VIII. Other Issues**, please: Consider moving guidelines regarding chemical use should to Section V and specifying a process whereby proposals for the application of any chemicals or lethal management activities are to be submitted to the consulting tribes for review and comment, and whereby TAC will consider comments received from tribes;

We hope these comments shed further light on opportunities to align the CRMP for the APAP with the values, concerns, and preferences expressed by the consulting tribes and with current ethical principles for the management of cultural heritage places and ancestral cemeteries. The SAA welcomes the opportunity to clarify or discuss our comments and to future collaborations with TAC concerning the APAP and other matters.

Sincerely,

A handwritten signature in black ink that reads "Susan M. Chandler". The signature is written in a cursive, flowing style.

Susan M. Chandler, RPA
President